



## 1995 ASSEMBLY BILL 262

March 23, 1995 - Introduced by Representatives HUBLER, GOETSCH, BALDUS, BELL, BLACK, BRANDEMUEHL, DOBYNS, DUEHOLM, FOTI, GREEN, GROBSCHMIDT, GRONEMUS, GROTHMAN, HAHN, HANDRICK, HANSON, HUBER, KAUFERT, KREIBICH, KREUSER, KRUSICK, LA FAVE, F. LASEE, LINTON, MEYER, MUSSER, OLSEN, OTT, OTTE, PLOMBON, R. POTTER, REYNOLDS, ROBSON, RYBA, SERATTI, TRAVIS, TURNER, VRAKAS, WILDER, WIRCH, ZIEGELBAUER and KLUSMAN, cosponsored by Senators JAUCH, PANZER, BUETTNER, CHVALA, DARLING, HUELSMAN, MOEN, ROSENZWEIG and WEEDEN. Referred to Committee on Education.

1     **AN ACT** *to renumber and amend* 48.396 (1m); *to amend* 48.396 (1), 118.125 (1)  
2           (a), 118.125 (2) (d), 118.125 (2) (e), 118.125 (3), 118.127 (1) and 118.127 (2); and  
3           **to create** 48.396 (1m) (a) 2. of the statutes; **relating to:** disclosure of certain  
4           law enforcement agency records relating to a child to the child's school district  
5           administrator.

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### *Analysis by the Legislative Reference Bureau*

Under current law, subject to certain exceptions, peace officers' records of children are not open to inspection and their contents may not be disclosed, except by order of the court assigned to exercise jurisdiction under the children's code (juvenile court). Current law permits a law enforcement agency to release to a school district administrator any information in its records relating to the use, possession or distribution of alcohol or a controlled substance by a pupil enrolled in the public school district. Current law permits a school district to use that information only for the purpose of providing alcohol and other drug abuse programs for pupils enrolled in the school district and to make that information available only to designated personnel involved in providing those programs. This bill permits a law enforcement agency to release to a school district administrator any information in its records relating to the possession of a firearm in a school zone or the possession of a knife on school premises by a pupil enrolled in the school district. The bill permits a school district to make that information available to teachers and other school district officials who have a legitimate educational or safety interest in that information.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 48.396 (1) of the statutes is amended to read:

2           48.396 (1) Peace officers' records of children shall be kept separate from records  
3 of persons 18 or older. Peace officers' records of children shall not be open to  
4 inspection or their contents disclosed except under sub. (1m) (a) or (5) or s. 48.293 or  
5 by order of the court. This subsection does not apply to the representatives of  
6 newspapers or other reporters of news who wish to obtain information for the  
7 purpose of reporting news without revealing the identity of the child involved, to the  
8 confidential exchange of information between the police and officials of the school  
9 attended by the child or other law enforcement or social welfare agencies or to  
10 children 16 or older who are transferred to the criminal courts.

11           **SECTION 2.** 48.396 (1m) of the statutes is renumbered 48.396 (1m) (a) (intro.)  
12 and amended to read:

13           48.396 (1m) (a) (intro.) If requested by the school district administrator of a  
14 public school district, a law enforcement agency may provide to the school district  
15 administrator any information in its records relating to ~~the~~ any of the following:

16           1. The use, possession or distribution of alcohol or a controlled substance by a  
17 pupil enrolled in the public school district. The information

18           (b) Any information provided under par. (a) 1. may be used by the school district  
19 only as provided under s. 118.127 (2). In this subsection, "controlled substance" has  
20 the meaning given in s. 161.01 (4).

21           **SECTION 3.** 48.396 (1m) (a) 2. of the statutes is created to read:

1           48.396 **(1m)** (a) 2. The possession of a firearm in a school zone in violation of  
2           s. 948.605 (2) (a) or the possession of a knife on school premises in violation of s.  
3           948.61 (2) by a pupil enrolled in the school district.

4           **SECTION 4.** 118.125 (1) (a) of the statutes is amended to read:

5           118.125 **(1)** (a) “Behavioral records” means those pupil records which include  
6           psychological tests, personality evaluations, records of conversations, any written  
7           statement relating specifically to an individual pupil’s behavior, tests relating  
8           specifically to achievement or measurement of ability, the pupil’s physical health  
9           records other than his or her immunization records or any lead screening records  
10          required under s. 254.162, peace officers’ records obtained under s. 48.396 (1m) (a)  
11          and any other pupil records that are not progress records.

12          **SECTION 5.** 118.125 (2) (d) of the statutes is amended to read:

13          118.125 **(2)** (d) Pupil records may be made available to persons employed by the  
14          school district which the pupil attends who are required by the department under s.  
15          115.28 (7) to hold a license and other school district officials who have been  
16          determined by the school board to have legitimate educational or safety interests in  
17          the pupil records. Peace officers’ records obtained under s. 48.396 (1m) (a) 1. may be  
18          made available under this paragraph only for the purposes of s. 118.127 (2) and only  
19          to those designated personnel involved in alcohol and other drug abuse programs.

20          **SECTION 6.** 118.125 (2) (e) of the statutes is amended to read:

21          118.125 **(2)** (e) Upon the written permission of an adult pupil, or the parent or  
22          guardian of a minor pupil, the school shall make available to the person named in  
23          the permission the pupil’s progress records or such portions of the pupil’s behavioral  
24          records as determined by the person authorizing the release. Peace officers’ records  
25          obtained under s. 48.396 (1m) (a) may not be made available under this paragraph

1 unless specifically identified by the adult pupil or by the parent or guardian of a  
2 minor pupil in the written permission.

3 **SECTION 7.** 118.125 (3) of the statutes is amended to read:

4 118.125 (3) MAINTENANCE OF RECORDS. Each school board shall adopt rules in  
5 writing specifying the content of pupil records and the time during which pupil  
6 records shall be maintained. No behavioral records may be maintained for more than  
7 one year after the pupil ceases to be enrolled in the school, unless the pupil specifies  
8 in writing that his or her behavioral records may be maintained for a longer period.  
9 A pupil's progress records shall be maintained for at least 5 years after the pupil  
10 ceases to be enrolled in the school. A school board may maintain the records on  
11 microfilm or optical disk if authorized under s. 19.21 (4) (c), or in such other form as  
12 the school board deems appropriate. A school board shall maintain peace officers'  
13 records obtained under s. 48.396 (1m) (a) separately from a pupil's other pupil  
14 records. Rules adopted under this subsection shall be published by the school board  
15 as a class 1 notice under ch. 985.

16 **SECTION 8.** 118.127 (1) of the statutes is amended to read:

17 118.127 (1) Upon receipt of information from peace officers' records obtained  
18 under s. 48.396 (1m) (a), the school district administrator shall notify any pupil  
19 named in the records, and the parent or guardian of any minor pupil named in the  
20 records, of the information.

21 **SECTION 9.** 118.127 (2) of the statutes is amended to read:

22 118.127 (2) A school district may use information from peace officers' records  
23 obtained under s. 48.396 (1m) (a) 1. only for the purpose of providing alcohol and  
24 other drug abuse programs for pupils enrolled in the school district.

25 (END)